

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of:
Steven Paul Wiese

Confirmation No. 4841

Application No. 10/044,583

Art Unit: 2173

Filed: November 9, 2001

Examiner: Kieu D. Vu

For: REAL ESTATE VALUE MAP
COMPUTER SYSTEM

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

Mail Stop Appeal Brief – Patents (via EFS-Web)
Commissioner for Patents
Alexandria, Virginia 22313-1450

This Reply Brief is responsive to the Examiner's Answer, mailed on March 20, 2008, in the Applicant's appeal to the Board of Patent Appeals and Interferences ("Board") from the final rejection of claims 1, 2, 4-10, 13-15, 18, 19, 21-25, 27-30, and 32-50, in the above-referenced application. This Reply Brief supplements the arguments presented in the Substitute Appeal Brief filed by the Applicant on December 13, 2007.

1. UPDATED REAL PARTY IN INTEREST

All right, title, and interest in the above-referenced patent application was assigned by Steven Paul Wiese, on December 19, 2007, to Vepse Technology Co., LLC.

2. ARGUMENT

The Examiner's Answer relies primarily on the teachings of Brown US 5,794,216 ("Brown"), Manson US 5,731,997 ("Manson"), Jones US 6,748,318 ("Jones"), and/or Tachibana

US 6,219,053 (“Tachibana”), to support the rejection of independent claims 1, 19, 25, 28, 41, and 45. All the rejections of the appealed claims rely on no fewer than the combination of three of references and a significant number of the claims are rejected based on a combination of all four references.

For the reasons discussed in Appellant’s Appeal Brief and provided herein, a *prima facie* case of obviousness has not been presented with respect to the independent claims and their respective dependent claims. The combination of references relied upon by the Examiner fail to teach or suggest every element of the claimed invention, and thus, the rejections under 35 U.S.C. § 103 must be reversed.

A. Brown fails to disclose certain critical elements for which it is relied upon in rejecting claims 1 and 19.

Brown discloses a screen display with an icon 200 that can be selected by a user to begin a new search. FIG. 12; column 7, lines 41-47. In response to selecting the begin-new-search icon 200, Brown displays a geographical region 204. FIG. 13; column 7, lines 48-51. The user can select a subregion within the geographic region to conduct a search of houses based on a price range. FIG. 13; Column 7, lines 52-57. The search is commenced by selecting the begin-search icon button 206. FIG. 13. After selecting the begin-search icon button 206, records stored in a database are searched to find the set of houses located within the selected subregions and having a desired price range. FIG. 14; column 7, lines 62-65. Brown’s disclosure further provides displaying a list 212 of the houses located in the search, i.e., price range and geographic subregion(s). Column 7, line 65 to column 8, line 2. The screen display then shows a thumbnail image 214 of a selected one of the houses in the list 212. FIG. 14; column 8, lines 1-2.

The Examiner’s Answer states that Brown teaches a map 204 displayed in response to a user’s selection of begin-new-search icon 200 – i.e., going from the screen display in FIG. 12 to the one in FIG. 13 in response a user’s selection of icon 200. However, the Examiner has erroneously and improperly concluded that Brown’s teaching extends to displaying a map of a first geographic area in response to receiving a request for information regarding the first geographic area.

Brown nowhere discloses receiving a request for information regarding the first geographic area before the display of a map of the first geographic area. In fact, a user of

Brown's device is not informed of a geographic location until after selecting icon 200. It is noteworthy that only one of two requests can be received in Brown's device, either a begin-new-search request by selecting icon 200 or a recall-saved-search request by selecting icon 202 – neither of which is a request for information regarding a first geographic area.

Furthermore, Brown in FIG. 13 teaches displaying a map only to facilitate requesting information regarding a geographic area, not in response to receiving a request for information, as recited in the claimed invention. That is, Brown's initial display of a map to facilitate user input and subsequent output of a listing of homes **teaches away** from the claim invention, which first recites *inter alia* receiving a request followed by displaying a map and displaying each of a plurality of symbols on the map, all in response to receiving the request. In contrast, Brown's disclosure teaches moving a user quickly from a broad request regarding a geographic area and price into detailed information regarding specifically selected homes. However, the claimed invention recited displaying each of the plurality of symbols on a map – e.g., to convey general information about a geographic location.

Accordingly, for at least the reasons noted above and the reasons set forth in the Appellant's Appeal Brief (pages 11-15), Appellant respectfully requests reversal of the Examiner's obviousness rejection of independent claims 1 and 19 and their respective dependent claims. Appellant further requests reversal of the Examiner's obviousness rejection of claims 29, 41 and their respective dependent claims based on the above discussion.

B. Manson fails to teach or suggest (i) adding a map to the output of Brown and (ii) associating symbols with a geographic location based upon the value of each geographic location.

As admitted by the Examiner, Brown does not teach associating each of a plurality of symbols with each of the plurality of geographic locations based upon the associated value of each of the plurality of geographic locations. (Final Action, Mar. 20, 2006, p. 5.) Brown further fails to teach displaying each of the plurality of symbols on the map at its associated geographic location in response to the request for information. (Final Action, p. 5.)

The Examiner's Answer relies on Manson to overcome the deficiencies identified in Brown. However, as discussed below, Manson fails to overcome the shortcomings of Brown. Manson discloses a surveying apparatus with a user interface having a timeline display and a two dimensional map area display. Column 14, lines 7-10. Manson further discloses a preferred

method of surveying using a surveying device 10 that includes a GPS receiver 28. FIG. 1; column 7, lines 56-58. Manson includes a Time Line display that represents the sequential passage of time and each recorded feature and note 30 displayed according to the time in which the feature was captured during a survey. FIG. 2; column 7, line 65 to column 8, line 9. The chronological view of the data provided by the Time Line window display in FIG. 2 of Manson is complementary to a spatial view of the data displayed by a map window display in FIG. 3 of Manson. FIG. 3; column 8, lines 20-23.

The Examiner's Answer improperly alleges that the teachings of Brown and Manson are in the same field. (Examiner's Answer, p. 17.) Brown relates to methods and systems for compiling information about a real estate entity based on information read from a database format. *See, e.g.*, column 1, lines 6-11. The output from Brown is a list of homes from which a user can request more specific information. *See* FIG. 14. In contrast, Manson discloses a surveying apparatus for collecting, storing and displaying information in relation to time at which the information is collected. *See* column 1, lines 10-14. Thus, Manson is nonanalogous art coming from a different field of invention, and therefore, is improperly combined with Brown.

Furthermore, the Examiner's Answer fails to discuss Manson's failure to teach or suggest associating each of a plurality of symbols with each of the plurality of geographic locations based upon the associated value of each of the plurality of geographic locations. FIGS. 2 and 3 on Manson illustrate the reference's own shortcomings. FIG. 2 shows a number of different, unrelated features – e.g., telephone poles, trees, curb. However, Manson does not distinguish between different types of telephone poles or different types of trees. Therefore, even assuming *arguendo* that Manson could be combined with Brown, at best, Manson would only disclose mapping a house location without distinguishing between the houses (i.e., based on value) on the displayed map.

Accordingly, for at least the reasons noted above and the reasons set forth in the Appellant's Appeal Brief (pages 11-15 and 19), Appellant respectfully requests reversal of the Examiner's obviousness rejection of independent claims 1, 19, 25, 28, 41, 45, and their respective dependent claims.

C. Tachibana teaches hierarchal levels within a network, but fails to teach or suggest associating symbols with different ranges or subranges of values.

The Examiner's Answer improperly alleges that the Tachibana's disclosure of hierarchal levels can be reasonably interpreted as disclosing a different range of values. (Examiner's Answer, page 20.) The Examiner's Answer merely provides the conclusory statement without providing support for the allegation.

Tachibana discloses a system for monitoring objects and the correlation between the objects on a map in the context of a host, router, hub, etc. in a network. See FIG. 1; column 1, lines 9-15. Thus, as an initial matter, Tachibana is nonanalogous art to the claimed invention which relates to a computer system for creating and providing a map image of real estate values. Furthermore, Tachibana is nonanalogous to the other references relied upon in rejecting the claimed invention, including Brown, Manson and Jones.

Even assuming *arguendo* that Tachibana is applicable to the claimed invention, Tachibana fails to teach or suggest associating symbols with different ranges or subranges of values. FIGS 13 and 22 of Tachibana discloses the use of different shaped and different colored symbols to identify different hierarchal levels. See column 14, line 63 to column 15, line 2; column 17, line 62 to column 18, line 3. The hierarchal levels described in Tachibana show line relationships between roots and nodes. See FIG. 4; column 7, line 56 to column 8, line 25. FIG. 14 of Tachibana illustrates that an icon does not necessarily change for each hierarchal level – i.e., use of same symbol for different hierarchal levels of objects, such as, hubs and clients. See FIG. 14; column 15, lines 44-65. That is, FIG. 14 shows no visual distinction between symbols that are at different hierarchal levels. Thus, while Tachibana may use different colored and different shaped nodes on the same plot of hierarchal relationships in a network of hosts, routers, and hubs, Tachibana fails to teach or suggest ranges and subranges of values associated with the hosts, routers, or hubs. That is, in contrast to the claimed invention, Tachibana disclosure of hierarchal levels and nodes does not teach or suggest associating each of the plurality of symbols with a different range of values.

Furthermore, the Examiner's Answer suggests that the obviousness rejection, which is based on no less than four references, is being assessed individually where the rejection is based on the combination of references. However, the Examiner's Answer ignores its own earlier

admission that Brown, Manson, and Jones do not teach associating each of a plurality of shapes with one of a plurality of ranges of values. (Compare Examiner's Answer at page 10, lines 6-7 with page 19, lines 18-20.) The Examiner's Answer acknowledges Tachibana as its source that allegedly discloses different symbols with different shapes. Thus, the obviousness rejections based on Tachibana fail for the claims that include associating a plurality of symbols with ranges or subranges of values.

Accordingly, for at least the reasons noted above and the reasons set forth in the Appellant's Appeal Brief (pages 16-19), Appellant respectfully requests reversal of the Examiner's obviousness rejection of claims 8-10, 24-25, 27-30, and 39-50.

3. CONCLUSION

For at least the reasons set forth above and previously submitted in Applicant's Substitute Appeal Brief, Appellant respectfully submits that the Examiner's rejections fail to present a *prima facie* case of obviousness under 35 U.S.C. § 103. Appellant respectfully solicits the reversal of the Examiner's 35 U.S.C. § 103 rejections of claims 1, 2, 4-10, 13-15, 18, 19, 21-25, 27-30, and 32-50.

Respectfully submitted,

Dated: May 20, 2008

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